

Remarks

In the Office Action, the Examiner noted that claims 1 to 36 are pending in the application; claims 3-9, 11-19, 22-28 and 30-34 are withdrawn from consideration; and that claims 1, 2, 10, 20, 21, 29, 35 and 36 are rejected. By this amendment, claim 10 has been amended, and claims 3-9, 11-19, 22-28 and 30-34 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1, 2, 10, 20, 21, 29, 35 and 36 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. Specifically, claim 10 was amended to recite in the US format. The Examiner's rejections are traversed below.

Comments to Election/Restrictions

In this Office Action, the Examiner has made final the sixteen-way restriction imposed earlier on this case. Accordingly, as noted above, to expedite prosecution of the elected claims, Applicants have canceled the claims directed to non-elected subject matter, namely, claims 3-9, 11-19, 22-28 and 30-34. Applicants reserve the right to place these canceled claims in one or more divisional applications.

Double Patenting Rejection

Claims 1-2, 10, 20-21, 29 and 35-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11 of U.S. Patent No. 6,355,631 B1 in view of applicant's own disclosure and Durif et al. (U.S. Patent No. 5,562,917).

Applicants submit herewith a terminal disclaimer obviating this rejection. In addition, a statement accompanying the terminal disclaimer is also enclosed herewith, which states that the assignee of record, Aventis Pharma S.A., is the sole owner with 100 percent interest in the instant application as well as U. S. Patent No. 6,355,631. Thus, withdrawal of rejection as to claims 1-2, 10, 20-21, 29 and 35-36 is respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-2, 10, 20-21, 29 and 35-36 stand rejected under 35 U.S.C. 103(a) as being obvious over Achard et al. (U.S. Patent No. 6,355,631 B1) in view of Durif et al. (U.S. Patent No. 5,562,917).

However, as noted above, Applicants are concurrently submitting herewith a terminal disclaimer obviating this rejection. Accordingly, withdrawal of rejection as to claims 1-2, 10, 20-21, 29 and 35-36 under 35 U.S.C. 103(a) is respectfully requested.

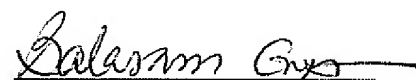
Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1-2, 10, 20-21, 29 and 35-36 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,

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Enclosure: Terminal Disclaimer with an Accompanying Statement (3 pages)

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